

Scott G. Gratton
Adam M. Shaw
BROWN LAW FIRM, P.C.
269 W. Front Street, Suite A
Missoula, MT 59802
Tel (406) 830-3248
Fax (406) 830-3745
sgratton@brownfirm.com
ashaw@brownfirm.com
Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
GREAT FALLS DIVISION**

SANDRA J. HORN,

Plaintiff,

vs.

K&K TRUCKING, INC. and PETER
BARBER,

Defendants.

Cause No. _____

Judge _____

**PETITION AND NOTICE OF
REMOVAL PURSUANT TO
28 U.S.C. §§ 1441 and 1446**

TO: THE HONORABLE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MONTANA, GREAT FALLS DIVISION:

COME NOW, Defendants K&K Trucking, Inc. and Peter Barber, and hereby
give notice to the above-entitled Court for removal of this cause from the Montana
Eighth Judicial District, Cascade County, to the above-entitled United States District
Court, Great Falls Division, pursuant to 28 U.S.C. §§ 1441 and 1446, and for its
grounds for removal allege as follows:

1. That the action is a civil action seeking damages stemming from a motor vehicle accident by filing a Complaint in the Montana Eighth Judicial District Court, Cascade County; that at all times involved, Plaintiff has been and is a resident and citizen of Alaska; that all times herein, the Defendant K&K Trucking, Inc. was a corporation organized and existing under and by virtue of the laws of the State of Montana, and its principal place of business is in Montana. Defendant Peter Barber, at all times involved is, and was, a resident and citizen of Montana.
2. From the content of the Complaint, it reasonably appears that the matter in controversy, exclusive of interest and costs, exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00) and is a suit respectively between a citizen of the State of Alaska, as a Plaintiff, and a corporation of the State of Montana and individual of the State of Montana, in that Plaintiff was at the time of filing said action, and ever since such filing, has been and now is a resident and citizen of Alaska. The above-entitled Court has jurisdiction of this case under, and by virtue of, the provisions of 28 U.S.C. § 1332. The amount in controversy, exclusive of costs and fees, exceeds the sum of \$75,000.00.
3. That on or about August 28, 2018, by personal service, Plaintiff caused a Summons and Complaint to be served on K&K Trucking, Inc. and

attached hereto as Exhibit A, is a copy of the Summons and Complaint so served.

4. That this Notice is filed within 30 days after service on Defendant K&K Trucking, Inc. issued by the state court.
5. That Defendants will, upon filing this Notice of Removal, forthwith give written notice thereof to the above-named Plaintiff and file with the Montana Eighth Judicial District Court, Cascade County, the Notice of its filing and request for transfer pursuant to Mont. R. Civ. P. 77(e), by which acts the above-entitled cause is removed from such State District Court to the above-captioned United States District Court, attached as Exhibit B.

DATED this 18th day of September, 2018.

BROWN LAW FIRM, P.C.

BY /s/ Scott G. Gratton
Scott G. Gratton
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of September, 2018, a copy of the foregoing was served on the following persons by the following means:

<u>1,2</u>	CM/ECF	_____	Fax
_____	Hand Delivery	_____	E-Mail
_____	Mail	_____	Overnight Delivery

1. Clerk of U.S. District Court
2. Brian Joos
VISCOMI, GERSH, SIMPSON & JOOS, PLLP
121 Wisconsin Ave
Whitefish, MT 59937
joos@bigskyattorneys.com
Attorney for Plaintiff

By: /s/ Scott G. Gratton
Scott G. Gratton